

# **Summary of the October 2006 Meeting of the HMS Advisory Panel**

**December 2006  
Highly Migratory Species Management Division  
National Marine Fisheries Service  
Silver Spring, MD**

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## **1.0 MEETING AGENDA**

### **October 3, 2006**

- 1:00pm** Welcome and introductions  
Moment of Silence for Nelson Beideman
- 1:30 pm** FMP update  
Consolidation of FMPs and APs  
SOPP revisions  
Nominations  
Final FMP measures presentation
- 3:00 pm** Break
- 3:15 pm** Billfish Tournaments and Circle Hook Requirement Breakout Session  
Available data, EFP program design, data collection, process
- 4:15 pm** Billfish Tournaments and Circle Hook Requirement Group Discussion
- 5:30 pm** Adjourn

### **October 4, 2006**

- 8:00 am** Shark Management  
Assessments & NOI presentation  
1<sup>st</sup> season proposed rule presentation
- 8:30 am** Shark Management Breakout Session  
Impacts of proposed rule, issues for consideration in amendment, scoping  
locations & timing, real-time quota monitoring
- 9:15 am** Shark Group Discussion
- 10:00 am** Break
- 10:15 am** Time/Area Closures  
Detailed presentation on FMP analyses & measures
- 11:00 am** Time/Area Closure Breakout Session  
What data is available/needed, what analyses/models should be  
considered, what factors should be considered
- 12 noon** Lunch
- 1:00 pm** Time/Area Closure Group Discussion
- 2:30 pm** Swordfish Management  
Presentation on issues & public meeting input
- 2:45 pm** Swordfish Management Breakout Session  
What measures should be considered, process
- 3:45 pm** Swordfish Management Group Discussion
- 4:30 pm** Open Discussion
- 5:00 pm** Adjourn

## **2.0 BACKGROUND ON THE COMMENT SUMMARY**

The National Marine Fisheries Service (NMFS) has summarized the major discussion and comments received at the October 2006 meeting of the Highly Migratory Species (HMS) Advisory Panel (AP). This meeting was focused on problem solving with the AP and getting feedback on the direction of future rulemaking. After presenting a summary of the new regulations implementing the Consolidated HMS Fishery Management Plan (FMP), HMS Division staff outlined current management challenges, which included implementation of a circle hook requirement in Atlantic billfish tournaments, current shark stock assessments, scheduling scoping meetings to discuss management options for the U.S. Atlantic commercial shark fishery, addressing shark overharvests during the first trimester season of 2006, and revitalizing the U.S. Atlantic swordfish fishery.

The format and structure of the October 2006 AP meeting was modified to provide more time for brainstorming and to facilitate a more open discussion of the key issues presented. AP members sat in break-out groups with a NMFS staff member who was available to answer questions. The main points of the group's discussion were recorded and presented to the entire AP. As such, comments presented herein reflect the collective feedback from a number of AP members as opposed to individuals.

This document does not endorse any viewpoint nor does it identify any consensus among AP members or portray Agency preference. Rather, it summarizes the specific suggestions and comments the NMFS staff heard from the AP members and consulting parties on the management topics listed above.

Copies of this summary are available on the internet at <http://nmfs.noaa.gov/sfa/hms>. For further information or to obtain a hard copy of the October 2006 AP comment summary, please contact Sarah McTee at (301) 713-2347.

## **3.0 HMS FMP OVERVIEW**

The final rule implementing the HMS FMP was published shortly before the start of the AP meeting. NMFS staff gave a general overview of new regulations and highlighted differences between the final and proposed rules. This presentation was intended to be strictly informative, and was followed by a question and answer session following the presentation.

- Why was the 25 mt Northeast Distant (NED) quota singled out regarding rollover provisions? The U.S. delegation to the International Commission for the Conservation of Atlantic Tunas (ICCAT) fought hard to obtain an East Atlantic BFT (Bluefin tuna) quota. Canada is probably stockpiling their quota; we should be allowed to do the same. If we prohibit rollovers, the U.S. will be acting unilaterally and tying our hands. This is troublesome for the U.S. ICCAT delegation.
- With regards to selecting a final and preferred alternative, how is evidence for or against an alternative weighed? How does the National Environmental Protection Act (NEPA) process work inside the HMS Division?
- As the newly implemented U.S. 250-marlin landing limit is approached, what will be the breaking point for increasing the minimum size of marlin? Is all of this based on Marine Recreational Fishing Statistics Survey (MRFFS) data?

- What will it take for NMFS to get a definition for greenstick gear? The majority of BFT in North Carolina are caught on this gear. Greenstick gear is not longline gear. It is a glorified outrigger. Just because greenstick gear has more than two hooks, that should not mean it is categorized as longline gear.
- Greenstick gear is a good conservative gear. It allows you to get BFT to the boat quickly and release them if they are undersized. Greensticks are obviously not a longline. Developing an appropriate definition for greenstick gear is an important issue for North Carolina fishermen.
- A greenstick acts as a big outrigger, it is not a gear in and of itself. The fish are caught with the gear that is run through the greenstick not with the greenstick. There is concern as to how defining greenstick gear will impact recreational fishermen.
- The Gulf of Mexico (GOM) is more concerned with the effects greenstick gear may have on species other than HMS species, such as dolphin and wahoo.
- What was the rationale for not allowing the use of spearguns and scuba for BFT fishing?
- Has NMFS clarified that a vessel that has broken down/disabled its longline gear can use other types of gear? If not, when will this happen? The commercial fishing community wants to make sure that a vessel with a commercial permit can use handgear, rod and reel, etc. to fish in closed areas. There have been some troublesome enforcement issues regarding this matter that we do not want to see repeated in the future.
- What type of HMS permit is one required to possess to be able to fish with buoy gear? There is a lot of interest in using this gear in the South Atlantic region.
- The new meeting format will not allow everyone to hear and become familiar with the views of everyone in the room, only those sitting at your table.

#### **4.0 BILLFISH TOURNAMENTS / CIRCLE HOOKS / EFPs**

Regulations issued October 2, 2006 (71 FR 58057) stipulate that anglers participating in Atlantic billfish tournaments that are fishing on HMS permitted vessels must use only non-offset circle hooks when fishing with natural bait or natural bait/artificial lure combinations. However, NMFS received a number of comments during the period of review for the final Environmental Impact Statement claiming that large natural baits, or certain bait/lure combinations trolled at high speeds, reduce the likelihood of catching or gut hooking blue marlin. In an attempt to address these comments, NMFS presented a potential solution to the AP, describing an Exempted Fishing Permit (EFP) that might be available for tournaments that would like to participate in collecting data to scientifically verify the claims set forth in the comments. A number of questions were posed to the AP including: what are the impacts of specific fishing gear and technique configurations on catchability, injury, and mortality of blue marlin, white marlin, and other species and what rigging configurations should be tested in an EFP?

##### **4.1 General Comments**

- EFPs are good for characterizing the fishery. We know there is post-release mortality of white marlin. We have an opportunity to do something good here.
- We started this process in 2003. We have talked about the importance of standardization. People will have to use the same gear. Is this really about data or are you just appeasing a region?
- How will NMFS get the word out that tournaments can apply for EFPs? Will there be workshops to instruct people on how to fill out the applications?

- Why haven't comparisons been made between circle hooks and J-hooks using North Carolina's fishing techniques been done before? There should some data on the use of circle hooks in tournaments already. Is there interest in looking at the effects of using offset circle hooks as well?
- It is hard enough to enforce a requirement to use a certain type of gear- it is going to be very difficult to enforce a particular method of fishing.
- NMFS should be careful to prevent a regulatory loop-hole where tournament directors can start requesting exemptions under the guise of "testing" specific fishing methods.
- It would be easier to reach a negotiated solution with the parties that are concerned with this requirement, than to go through the process of defining criteria for an EFP and developing a corresponding scientific research plan.
- Has NMFS already decided that EFPs will be issued to tournaments that do not want to use circle hooks? Why did the public go through the process of reviewing and commenting on the rule. Allowing for an exemption from this requirement is going to undo everything in the final rule. Why are we doing this? A targeted research proposal is more appropriate for this; however, a blanket program will undo the circle hook requirement. NMFS could accomplish the necessary research on one or two longline vessels.
- The goal of a fishing tournament is for fun, participants are not going to want to have to monitor fishing depth, bait requirements, and vessel speed as part of this EFP process.
- Why would a tournament want to participate in an EFP program? If the discussion at this AP meeting isn't going to be directed toward avoiding a white marlin listing or addressing ICCAT swordfish or bluefin tuna (BFT) quotas, it is going to be a waste of time.
- Has NMFS looked at other options in addition to allowing for an EFP? The Gulf of Mexico Fishery Management Council would like to go through this EFP process as well if species they manage will be caught as bycatch.
- A tournament EFP will not provide the necessary data to address this issue.
- This is an enforcement and administrative nightmare. Who will be responsible for violations, the operator or vessel owner? How does NMFS plan on keeping the playing field equal in the tournaments? How will NMFS prevent this from becoming a loophole to get out of circle hook requirements?
- NMFS should write an emergency rule instead that allows 12/0 and larger J-hooks on 80-pound gear using blue marlin bait.
- NMFS should undertake a scientific study on the hooking efficiency of J-hooks and circle hooks.
- Circle hooks are being promoted in North Carolina, South Carolina, Georgia, and Florida; however, a mandatory requirement to use circle hooks will take the momentum out of the tournaments. Circle hooks will not work for blue marlin.
- NMFS should reissue the rule and require the use of circle hooks based on tackle weight.

#### **4.2 Comments on Data Concerns and Needs**

- How will this program comply with the Biological Opinion (BiOp). Attaining data on differences between post-release mortality of billfish on circle hooks and J-hooks fished as described by North Carolina would be better achieved through a controlled experiment.

- Citizen science is a popular form of science, with one of the benefits being involving the public. Tournaments won't be interested in this process. It is hard to collect data in tournaments to start with.
- There is a general concern as to whether or not the data collected under these EFPs will be scientifically sound.
- How will all of the unknowns in the data be controlled and how does NMFS plan on collecting and analyzing the data?
- If NMFS needs more data on this subject they should hire boats, put scientist onboard, and conduct controlled experiments.
- There is concern that the data would be biased due to the limited sampling period and limited number of fish. One-day tournaments in a few locations would only give you a sample size of a few fish potentially.
- What is the intent of issuing EFPs? How much data do you need to be able to make subsequent decisions? We are going to need satellite tags on the fish that are caught to properly determine post-release mortality.

#### **4.3 Suggestions for Who Should Receive Billfish Tournament EFPs**

- These EFPs should not be available for tournaments outside the area that currently fishes with the techniques described in the comments.
- This EFP should only be available for billfish tournaments in North Carolina.
- All tournaments, regardless of their location and current preferred method of fishing should be treated equally and given the same opportunity to apply for EFPs if they so desire.
- Incentives for participation in the EFPs should be developed. However, only a select group of vessels should be selected to participate, not all vessels.

#### **4.4 Fishing Methods and Bait and Gear Specifications**

- The manner in which gear is rigged will affect hooking success. It is going to be impossible to mandate the appropriate requirements that would allow for standardization.
- The Agency needs to write a standard for what a non-offset circle hook is. Manufacturers have been calling the fishing industry trying to find out what one is.
- This is creating a new use for EFPs that they were probably not designed for.
- Tournament directors have been aware of the potential implementation of a circle hook requirement. Issues with this requirement should have been raised before now.
- Hook size is a more important determinant of what you will catch and how than the size of the bait. The vessel speed will be dependent upon the gear that you are fishing with.
- NMFS should require tournaments to issue the same hook and bait to all tournament participants.
- High speed trolling can be defined as any vessel speed greater than four knots.
- Large bait is usually considered to be that weighing over  $\frac{3}{4}$  of a pound.
- Heavy gear is anything over 80 pounds.
- North Carolina average trolling speed is five to six knots. New York trolling speed is seven to eight knots. Fishermen in New York all troll with artificial bait.
- In North Carolina we use large tackle (80 lb) when fishing for blue marlin. Thirty-pound tackle is used when fishing for white marlin or sailfish.

#### **4.5 Suggestions for Implementation**

- Each tournament should have a set number of participants. This will limit the number of J-hooks in the water at each tournament.
- Measurements should be taken on survival standards, including bleeding and coloration.
- The research must be done with a detailed protocol. How will NMFS be able to call this research?
- Research should be conducted by NMFS in collaboration with accredited researchers.
- Each permit holder should be required to carry a copy of the EFP on the boat participating in a particular tournament.
- Protocols of gear configuration and methods should follow those published (*e.g.* Prince, 2002 and Graves) to be consistent with comparisons of (a) catchability of species and (b) mortality against the North Carolina fishing method. Data from satellite tags would be helpful.
- Strict scientific protocols should be used to measure J hook and circle hook effects on blue marlin mortality.
- This EFP should only be offered for one year. NMFS can then re-evaluate pending a favorable first year results.
- Captains should get some sort of training and observers should be placed on the boats that are going to participate in this EFP.
- Considering how much it will cost to put observers on these boats, NMFS should just pay to have a proper scientific study conducted.
- NMFS should require vessels that participate in this EFP to carry a certified observer, a scientist, or have digital video equipment on board to record release conditions.
- NMFS should not set up this program unless observers and satellite tags are used.
- Only a limited number of EFPs should be issued, and they should each have a specific sunset period- either one or two years.
- Data recorded by EFP recipients should include: (1) hooking location, (2) fight time, (3) drop back time, (4) trolling speed, and (5) type of bait.
- Tournaments should be required to purchase pop-up satellite tags and pay other research costs.
- These EFPs should also collect data on white marlin. NMFS should considering working with tournament boats as cooperative research partners to collect data outside of the tournaments themselves.
- The study design should account for the learning curve associated with using and rigging gear differently.

#### **5.0 SHARK MANAGEMENT**

The discussion outlined below is in reference to three presentations pertaining to shark management. The first presentation was given by Dr. Julie Neer of the South East Fishery Science Center (SEFSC), and was a summary of the shark stock assessments that were completed in 2006, including the dusky shark assessment and the large coastal shark (LCS) assessment. There was a brief question and answer period to discuss technical aspects of the shark stock assessments, followed by a presentation outlining current commercial and recreational shark management measures, and explaining the need for modifying the current shark management regime in light of the recent stock assessments. The AP was presented with a timeline for the development of an amendment to the HMS FMP and was asked to comment on



the timing and location of scoping meetings to discuss alternatives that would be included in the amendment. In the final presentation, NMFS staff presented a proposed rule establishing the 2007 first trimester season lengths and quotas for the Atlantic and Gulf of Mexico commercial shark fisheries. The AP was then given opportunity to comment on the alternatives presented in the proposed rule and their impacts. Many of the comments summarized below were in reference to the LCS overharvest that occurred during the first season of 2006, and how landings of sharks should be monitored to prevent overharvest and subsequent reductions in season lengths.

## **5.1 2006 Shark Stock Assessments**

- What triggers placing a species on the prohibited list, and how close is the sandbar shark from such a listing?
- The shark fishing industry feels that the sandbar assessment is being driven by erroneous data. The results of the LCS stock assessment are not consistent with industry abundance data. Half of our catch is sandbar and we are over running our quota. The data used in the stock assessment was not the best available, it is missing gillnet data for blacktips in the Atlantic.
- Why is the database for blacktip sharks in the GOM complete and the database for blacktips in the Atlantic is not?
- Evidence was presented during the assessment workshop showing that there is genetic evidence to separate GOM and Atlantic blacktips.
- Sandbar sharks have been the mainstay of the North Atlantic fishery for a long time. Sandbar sharks are now as rare as great whites. Thousands of people have utilized this resource and are currently experiencing economic hardships due to declines in sandbar populations. We would approve a balance between utilization and rebuilding of this stock by the Agency.
- The dusky assessment was a closed data workshop. No one ever looked over the data. On page 60 of the assessment, we see an average dusky weight below 20 pounds. This isn't correct.
- Shark fishing offshore has changed a lot over the years. Recreational fishermen in the Mid-Atlantic are traveling 20 to 30 miles to target large sharks now, and we hardly ever see them. Inshore to 10 miles is mainly a catch and release fishery. There are lots of juvenile dusky sharks and also sandbars. If the average weight for dusky sharks was said to be 20 lbs, this is probably referring to the sharks in the inshore fishery.
- In 2002, the LCS complex was overfished, blacktips were okay, and sandbars were borderline overfished. This assessment is a total flip-flop. We have a series of assessments that contradict themselves, and some of the models have not been peer-reviewed. Why should we have confidence in the current LCS stock assessment?

## **5.2 Notice of Intent / Consolidated HMS FMP Amendment 2**

### *5.2.1 General Comments*

- Why allow catch of sandbar sharks if their status is so bad? Dr. Hogarth has a copy of the buyback program now. The second amendment to the HMS FMP should include this option.
- Looking at the average size of dusky sharks, which has a great affect on the recreational fishery, the best available science is questionable. The Marine Recreational Fishing Statistics Survey (MRFSS) is a ludicrous source of best available science. How many shark permits currently exist? Fishermen in the North Atlantic would like to be more conservation oriented, if only we could see a reasonable outcome.

- NMFS' priority should be to get the appropriate content in the draft amendment. A one-year timeframe may not be feasible. NMFS needs to take the time to properly develop the amendment and its alternatives, don't rush.
- The commercial fishing industry and NMFS needs to get a better handle on the stock assessments before harsh management measures are implemented. Quota monitoring, species identification, and compliance with HMS permitting requirements need to be improved.
- Given the length of the rebuilding timeframes, the industry buyout plan needs to be considered. There is no benefit to participating in a conservation program.
- Sandbar sharks are of high dollar value- the commercial shark fishing industry is very dependent upon this species.
- The South Atlantic shark fishermen should be bought out. The Gulf of Mexico still has blacktip sharks they can fish so they don't need to be bought out.
- How many sandbars will be discarded dead if the quota for sandbars is drastically reduced?
- We need a shark management plan that is more species specific.
- Sandbar sharks should be placed on the prohibited species list. Based on the results of the LCS stock assessment, NMFS should also consider closing the LCS fishery in the South Atlantic.
- The 100 years for rebuilding porbeagle sharks is of concern. Porbeagle sharks need to be placed on the prohibited species list.
- NMFS needs to put porbeagle on the Endangered Species list, and needs to pay more attention to deep-water sharks.
- NMFS should take a closer look at enforcing the prohibition on landing dusky sharks and other prohibited species. Landings of these species are still occurring.
- NMFS needs to reduce shark fishing mortality.

#### *5.2.2 Dates and Locations for Scoping*

- Scoping meetings for the amendment should include Port Aransas, TX instead of Corpus Christi, TX.
- The North Atlantic shark fishermen would like NMFS to hold scoping meetings on Long Island, NY.
- It is good to see Corpus Christi, TX on the list of locations for scoping hearings.
- Holding hearings in December sends a message that NOAA is not sincerely interested in what people have to say. NMFS should hold scoping in early 2007 to maximize participation.
- A meeting sometime between January 15 and February 1 would work best for the Destin, TX area.
- A scoping meeting should be scheduled in Montauk, NY, as well as in Ocean City or Del Mar, MD. There needs to be more coverage on the Eastern shore.
- NMFS should consider holding scoping meetings in the Mid- Long Island region such as Islip, NY.
- A scoping meeting in the Caribbean is not necessary; currently there are not any shark permits in that region.
- NMFS should also hold scoping meeting in Houma, LA, Manahawkin or Absecon NC, and one in Florida for the recreational fishery.

- Normally NMFS would hold a meeting in north Florida near Atlantic Beach, but the fleet is likely to move south during this time of the year. NMFS should consider Cape Canaveral, FL for scoping instead.
- Replace the Gloucester, MA scoping location with one in Portsmouth, NH.
- NMFS needs to better inform the public regarding upcoming meetings- this could be accomplished by contacting State agencies and utilizing existing list-servers.

### **5.3 2007 1<sup>st</sup> Trimester Season Shark Rule**

#### *5.3.1 General Comments*

- In light of the recent shark stock assessments, why is NMFS considering opening the closed area? Shouldn't such an action be done with an amendment or an EIS?
- The Mid-Atlantic closure should be referred to as the North Carolina Closure. There is little hope for commercial shark fishermen unless weaknesses in the science of the stock assessments are addressed.
- The preferred alternative presented in the proposed rule puts South Atlantic fishermen out of business for nine months- six in the alternative and three from the third trimester of 2006. How does NMFS expect the fishermen to pay their bills during the next nine months?
- This shark issue is similar to the issues faced by the flounder fishery. Shark fishermen should be allowed to fish anywhere, but be prohibited from landing their catch in the areas that are closed.
- The Atlantic States and regional offices have an accurate method of quota monitoring. If there would not have been an overage during the first trimester of 2006, the impacts of this rule would be very different. NMFS needs to address real time quota monitoring needs in the shark fishery.
- NMFS should proceed with the preferred alternative and in addition, assist the industry with a buyout program.
- NMFS needs to figure out the best way to buyback directed shark permits. There currently is not enough balance between the resource and the people who use them.
- NMFS should not be making efforts to develop a proposed rule with these alternatives when the industry has developed a buyback plan. NMFS should be working to bridge the gap and work with the fishermen. Regardless of the reason for the collapse of shark stocks, it is and has been NMFS responsibility to manage these stocks.

#### *5.3.2 Transferring Quota*

- Alternative 5, transfer LCS quota from the Gulf of Mexico, is a reasonable option. If there are plans to buy out this fishery, this transfer won't have a huge impact.
- Shifting quota from the Gulf of Mexico to the South Atlantic needs to be carefully examined. As presented in the LCS stock assessment, there are distinct populations of blacktip sharks in these areas.
- Transferring quota from the Gulf of Mexico's underharvest to the South Atlantic is compromising the regulations.

#### *5.3.3 Comments on Opening the Mid-Atlantic BLL Closed Area*

- Opening the Mid-Atlantic Closure in July would be balanced by a six-month closure in the entire South Atlantic; however, the Mid-Atlantic was closed for a specific biological reason. It does not seem advisable to open it.

- Current recreational shark management measures are adequate and should not be changed.
- We want to make sure that the impacts of opening the closed area are not adverse. Will opening the Mid-Atlantic closed area set a precedent for opening other areas? If it is opened we can collect data, which would be a good reason to open it. The shark industry buyback program needs to be seriously considered for shark fishermen in the Mid-Atlantic.
- The idea of having closed areas seems unnecessary given how small the LCS quotas are. NMFS should open everything then close the fishery when the quota is gone.
- NMFS considering an alternative to open the Mid-Atlantic closure demonstrates that NMFS understands the hardships that have been incurred by North Carolina.
- The Mid-Atlantic closure should and could be replaced by real time monitoring. Time/area closures are a brainless management approach.
- Opening the Mid-Atlantic closure one month early will do nothing to help the South Atlantic fishermen- they will in essence be closed for the year. Data should be examined to see how many dusky or dusky interactions occur in North Carolina during July. If there aren't many then the Mid-Atlantic closure should be permanently modified.
- What will the impacts be of opening the Mid-Atlantic closed area?
- What is the ecological value of the closed area off North Carolina?
- Would NMFS collect data from the Mid-Atlantic closed area if it is opened?
- Opening the Mid-Atlantic closed area for a month is of concern. The fishermen will not benefit economically from such an action. The economic gain was already accrued in the 2006 overharvest.
- Shark closures in general should be replaced by real-time quota monitoring.

## **6.0 TIME/AREA CLOSURE**

The purpose of the time/area presentation was to review the final Environmental Impact Statement (EIS) for the HMS FMP, and to get feedback from the AP regarding the role of time/area closures in future HMS management. The analyses that were conducted, which led to a decision not to modify current time/area closures or create additional time/area closures, were presented to the AP, including the results of new analyses that had been completed since the last AP meeting. The panel was then presented with a variety of discussion topics including: what are other alternatives to time/area closures that would reduce bycatch?; how could estimates of redistribution of effort be improved, and are there other/additional models of redistribution that should be considered?; and, how should criteria, such as species, gear types, and life stages, be ranked when analyzing the need to establish or modify a time/area closure?

### **6.1 General Comments**

- Using J-hook data for time/area analyses is invalid. The longline fishery is different now, bycatch issues have been addressed with circle hook requirements.
- Movement of vessels through the Windward Passage is no longer legal. The statement that fishing effort would switch to the Yucatan is inaccurate.
- NMFS should directly ask the 50 or so swordfish fishermen what they would do, and if and where their effort would displace.
- A lot of people in the pelagic longline fishery thought that technological changes (*i.e.* circle hooks) would be an alternative to less sophisticated management techniques like time/area closures.

- NMFS should make more use of VMS data to show where fishing is taking place. Having VMS transmit every hour regardless of where they are is an additional and unnecessary cost to fishing. Three-hour transmission should be okay for vessels not near closed areas. Fishermen should be able to retrieve their lost gear in closed areas. VMS shows the difference between fishing and retrieving lost gear. HMS should have access to VMS data, and should be able to obtain scientific information from the VMS records.
- Social and cultural factors should be considered when analyzing redistribution of fishing effort resulting from time/area closures.

## **7.0 SWORDFISH REVITALIZATION**

In attempts to obtain recommendations from the AP regarding potential management measures that could be modified or implemented that would allow the United States to fully harvest our Atlantic swordfish quota, recent U.S. swordfish catches were presented in reference to the U.S. quota and current management measures and management concerns were reviewed. Input and comments received at scoping meetings were summarized, and the AP was asked to provide feedback on what they considered to be the major factors affecting the ability of the United States to fully harvest the swordfish quota, and asked to recommend both short-term and long-term solutions to increasing the profitability of the U.S. Atlantic swordfish fleet.

### **7.1 General Comments**

- The HMS permitting system should be simplified. NMFS should create one directed pelagic longline permit or combine the tuna and swordfish permits.
- NMFS should convert the swordfish incidental permits that are not being used into handgear permits.
- NMFS should help develop a commercial handgear swordfish fishery, and should allow general category vessels to land swordfish.
- It is important to include reasonable opportunity to catch the swordfish quota in the revitalization plan. There is currently an overkill of regulations that are preventing the catch of the U.S. swordfish quota.
- NMFS should be careful not to over build the swordfish sector so that the fishery crashes.
- NMFS needs to enforce reporting of recreational swordfish landings.
- NMFS should reopen directed swordfish permits for squid boats, there are currently only 20 left out of the original 80 that were issued.
- NMFS should look into renewed access to the Windward and Yucatan Passages- the United States is going to need some sort of agreement with Haiti and Cuba.
- It is important that swordfish fishermen have access to the Windward pass from November through February.
- NMFS needs to work through ICCAT if they want to change the minimum size limit of swordfish.
- We need research on the number of dead bycatch resulting from differences in the number of fish that are hook on circle verses J-hooks.
- We need circle hook studies, similar to those conducted in the Northeast Distant Area (NED), in the Gulf of Mexico, specifically in Desoto Canyon.
- There are concerns regarding the existence of longline vessels in the Gulf of Mexico.

## **7.2 Modification of Closed Areas**

- To successfully revitalize the swordfish fishery, the commercial fishermen need the current closed areas to be revised to increase accessible fishing grounds. We would also like to see an increased acceptance of bycatch, increased allowance of vessel horse power and length overall, and adjustment of trip limits, and the development of an experimental fishery with circle hooks.
- Any real revitalization plan must include increased access to closed areas. This increased access is justified by the use of circle hooks and other bycatch reduction measures. Increased access to closed areas should respect inshore, East Florida, and other key recreational areas.
- Revitalization of the swordfish fishery means modifying the closed areas and allowing for a modest increase in bycatch.
- NMFS should consider establishing an exclusive recreational fishing area off the Florida East coast.
- Pelagic longline vessels should not have to use circle hooks in addition to suffering from time/area closures. The use of circle hooks should allow for an increase in the total area open to swordfish fishing.
- It is difficult to identify areas where commercial and recreational fishing can be separate. Get the longlines out of the areas of high recreational use. NMFS should consider closure around the recreational fleet, with sunset provisions and observer requirements.
- The Florida East Coast closed area should be opened outside the area of recreational effort. The criteria the time/area closures were based on needs to be reviewed.
- The Southern box of the Desoto Canyon closed areas should be opened.
- NMFS should not modify closed areas unless the bycatch benefits can be maintained.

## **7.3 Retention Limits**

- Swordfish incidental retention limits should be increased to five swordfish per trip. Squid boats should be allowed 20 swordfish and the tuna fishery eight swordfish per trip.
- NMFS should allow for unlimited retention of swordfish by yellowfin tuna vessels fishing in the Gulf of Mexico. These vessels would not become directed because tuna is more valuable. It would only prevent unnecessary dead discards of swordfish.
- Incidental retention limits of swordfish should be increased for squid boats; however, be careful that the new incidental limit doesn't allow for directed fishing.
- Increase the incidental retention limits to 20 swordfish/trip for squid boats and 10 swordfish/trip for all other vessels.
- The incidental retention limit for squid boats should be increased to 15 per trip. Retention limits for all other gear types should be increased to 25 swordfish per trip.
- A retention limit of three swordfish for angling category vessels should be maintained.
- Incidental retention limits should be increased to 18-24 swordfish for all vessels. To safeguard against unintended consequences, NMFS should enact a sunset provision of two to three years if incidental limits are increased.
- The recreational swordfish catch is not being tracked and recorded for quota purposes. This needs to be done.
- NMFS should increase the recreational swordfish landing limits, but make sure that the no sale provision is strictly enforced.
- Headboats should get commercial licenses allowing for a greater swordfish take.

- We need a better idea of current landings and effort before retention limits are modified for charter/headboats.
- Retention limits should be relaxed for other fisheries. The United States should not be throwing quota overboard.
- NMFS should increase recreational retention limits to one swordfish per person and six per vessel.
- NMFS could establish retention limits based on the number of swordfish that would increase the incentive for HMS dealers to buy swordfish.

#### **7.4 Vessel Upgrades**

- NMFS should allow for a 30 percent increase in vessel size, with respect to the permitted baseline, and a 50 percent increase in horsepower. Horsepower does not increase capacity, and probably will not make a big difference in this fishery.
- Allow vessel upgrades as long as quota is available.
- The baseline for vessel upgrades should be that of the vessel when it was originally permitted.
- Engine upgrading limits should be eliminated.
- If fishermen go to the expense of upgrading their boats they need to know that they will have the ability to land unlimited amounts of swordfish. The fleet should put some effort into the freezer market to reduce the impact on prices when larger numbers of fish are landed.
- NMFS needs to be watchful for changes to upgrades. The expansion of buoy gear, especially off Florida, is of concern.
- If NMFS decides to relax current vessel upgrading restrictions, they should only apply to vessels that have a directed swordfish permit.
- Upgrading restrictions should only be altered for pelagic longline vessels.

#### **7.5 Economics, Imports, and Miscellaneous**

- NMFS should explore import issues and support tariffs on swordfish imports.
- Imported swordfish to be held to an environmental standard.
- NMFS should support tariffs on imports or at least make the countries that are exporting to the United States follow the same rules established in the United States, otherwise these imports should be banned. This should apply to all fisheries, not just the swordfish fishery.
- Imports should be held to comparable bycatch standards and should not come from Illegal, Unregulated and Unreported (IUU) vessels.
- NMFS should work to promote the purchase and consumption of swordfish in the United States.
- The price of swordfish is influenced by many factors. Increasing the incidental trip limit is likely to have to effect on the price of swordfish.
- There are international crew issues. Vessels that are working with a foreign crew are not allowed to land in the United States.
- The United States should promote the pelagic longline (PLL) fleet as the most conservation minded fleet in the world.

## **NMFS ANNOUNCES THE RELEASE OF THE MEETING SUMMARY FROM THE OCTOBER 2006 HIGHLY MIGRATORY SPECIES ADVISORY PANEL MEETING**

The National Marine Fisheries Service (NMFS) has summarized the major discussion and comments received at the October 2006 meeting of the Highly Migratory Species (HMS) Advisory Panel (AP). This meeting was focused on current resource management challenges facing Atlantic tunas, swordfish, shark, and billfish fisheries. The meeting acted as a venue to allow the AP to discuss management alternatives and provide feedback on the direction of future rulemaking. The meeting was structured to allow small breakout groups, which then reported their discussion to HMS staff and the entire AP. Topics discussed included new regulations implementing the Consolidated HMS Fishery Management Plan (FMP), implementation of a circle hook requirement in Atlantic billfish tournaments, current shark stock assessments, scheduling scoping meetings to discuss management options for the U.S. Atlantic commercial shark fishery, shark overharvests during the first trimester season of 2006, and management measures that may help revitalize the U.S. Atlantic swordfish fishery.

Copies of the AP comment summary are available on the internet at <http://nmfs.noaa.gov/sfa/hms>. Please contact Sarah McTee, (301) 713-2347 for further information or to request hard copies of the comment summary.

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Date



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